



**MILPITAS CITY COUNCIL MEETING AGENDA
SEPTEMBER 20, 2005**

**6:00 P.M. (CLOSED SESSION) • 7:00 P.M. (PUBLIC BUSINESS)
455 E. CALAVERAS BOULEVARD**

SUMMARY OF CONTENTS

- I. ROLL CALL (6:00 p.m.)**
- II. ADJOURN TO CLOSED SESSION**
 - CONFERENCE WITH LABOR NEGOTIATORS – COLLECTIVE BARGAINING**
(Pursuant to Government Code Section 54957.6)
City Negotiators: Art Hartinger, Ed Kreisberg, Carmen Valdez
Employee Organizations: Police Officers Association (MPOA), International Association of Firefighters (IAFF), Protech
Under Negotiation: Wages, Hours, Benefits, Working Conditions
 - CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
(Pursuant to Subdivision (a) of Government Code Section 54956.9)
City of Milpitas v. Turner Construction et al., Santa Clara County Superior Court Case No. 103CV814946 consolidated with Case No. 103CV008400
 - CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
(Pursuant to Government Code Section 54956.8)
Property: APN 086-020-86(approximately 3.5 acres adjacent to Barber Ln & Great Mall Parkway)
Agency Negotiators: Tom Williams and Steve Mattas / Piercey Toyota and Kai Giffin
Negotiating Parties: City of Milpitas Redevelopment Agency and Piercey Toyota
Under Negotiation: Terms and Conditions for Sale or Lease of Real Property
- III. CLOSED SESSION ANNOUNCEMENTS: Report on action taken in Closed Session, if required pursuant to Government Code Section 54957.1, including the vote on abstention of each member present**
- IV. PLEDGE OF ALLEGIANCE (7:00 p.m.)**
- V. APPROVAL OF MINUTES (September 6, 2005)**
- VI. SCHEDULE OF MEETINGS**
- VII. PRESENTATIONS - None**
- VIII. CITIZENS FORUM**

Members of the audience are invited to address the Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit their remarks to three minutes. As an unagendized item, no response is required from City staff or the Council and no action can be taken; however, the Council may instruct the City Manager to agendize the item for a future meeting.

IX. ANNOUNCEMENTS

X. ANNOUNCEMENT OF CONFLICT OF INTEREST

XI. APPROVAL OF AGENDA

XII. CONSENT CALENDAR (Items with Asterisks)

XIII. PUBLIC HEARINGS

- 1. Conduct A Public Hearing, Consider Findings and Recommendations from the Parks, Recreation and Cultural Resources Commission, Make a Finding of Compliance with Mitigation Measures in the Environmental Impact Report, and Approve A Permit for Relocation or Demolition of the “Winsor Blacksmith Shop” Building at 112-116 N. Main Street (Staff Contact: Mark Rogge, 586-3403)**
- 2. Adoption of the Community Development Block Grant (CDBG) Consolidated Annual Performance Evaluation Report (CAPER) FY 2004-2005 (Staff Contact: Felix Reliford, 586-3071)**
- 3. Authorize Entertainment Permit for St. John the Baptist Church “Autumn Festival” on October 14-16, 2005 (Staff Contact: Mary Lavelle, 586-3001)**
- 4. Introduce Ordinance No. 38.767 Amending Title XI Chapter 10 (Planning, Zoning and Annexation) and Chapter 1 (Subdivision Ordinance) Text of the Milpitas Municipal Code (P-ZT2005-2) (Staff Contact: Kim Duncan, 586-3283)**

XIV. UNFINISHED BUSINESS

- 5. Fluoride Update Status Report (Staff Contact: Darryl Wong, 586-3345)**

XV. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA1. Call to Order by the Mayor

RA2. Roll Call

RA3. Approval of Minutes (September 6, 2005)

RA4. Approval of Agenda and Consent Calendar

RA5. Review, Discuss And Provide Staff Direction On The Memorandum Of Understanding Between The Milpitas Redevelopment Agency, The City Of Milpitas, And The County Of Santa Clara For The Development Of A Health Center And Related Parking (Staff Contact: Greg Armendariz, 586-3317)

RA6. City of Milpitas Unaudited Financial Status Report for Fiscal Year Ended June 30, 2005 (Staff Contact: Emma Karlen, 586-3145)

***RA7. Authorize the City Engineer to Execute a Contract Change Order and Approve Budget Appropriation: Interim Senior Center Re-roofing Project No. 8135 (Staff Contact: Jorge Bermudez, 586-3404)**

***RA8. Approve New Capital Improvement Program Project and Budget Appropriation for Senior Center, Project No. 8176 (Staff Contact: Mark Rogge, 586-3403)**

- *RA9. Approve Plans And Specifications And Authorize The Advertisement For Bid Proposals: Demolition Of Winsor Blacksmith Shop And Other Buildings On 86-116 North Main Street East Garage Land Acquisition & Site Preparation, Project Nos. 8154 & 8169 (Staff Contact: Mark Rogge, 586-3403)**
- *RA10. Authorize the City Manager To Execute an Agreement: Carey & Company, Inc., Architecture For Mitigation Plan for Winsor Blacksmith Shop and Other Buildings: North Main Street Development Environmental Impact Report (EIR) Cultural Resources Mitigations, Project No. 8169 (Staff Contact: Mark Rogge, 586-3403)**
- *RA11. Approve Plans and Specifications and Authorize the Advertisement for Bid Proposals and Approve Agreement with PG&E: North Main Street Utility Improvements, Project No. 8153 (Staff Contact: Steve Erickson, 586-3414)**
- *RA12. Authorize City Manager To Execute Agreement Amendment: West Yost & Associates, Main Sewage Pump Station Improvements, Project No. 6079 (Staff Contact Greg Armendariz, 586-3317)**

RA13. Agency Adjournment

XVI. REPORTS OF OFFICERS, COMMISSIONS, AND COMMITTEES

City Council

- 6. Approve Mayor Esteves' Recommendations for Appointments to Current Commission Vacancies and Re-Appointments (Contact: Mayor Esteves, 586-3029)**
- 7. Report of Mayor Esteves - Review, Consideration and Approval of City Council Invocation Guidelines (Contact: Mayor Esteves, 586-3029)**
- 8. Report of City Council Finance Subcommittee (Contact: Vice Mayor Gomez, 586-3031)**
- 9. Implementation of the Clean and Safe Streets Program: Phase I Milpitas Pedestrian Safety Initiative (Contacts: Vice Mayor Gomez 586-3031 and Councilmember Polanski 586-3024)**
- 10. Milpitas Support for Hurricane Katrina Victims (Contacts: Vice Mayor Gomez, 586-3031 and Councilmember Livengood 586-3027)**

XVII. NEW BUSINESS

- 11. Consideration of the City Council Meeting Schedule for 2006 (Contact: Mary Lavelle, 586-3001)**
- * 12. Release of Surplus Fire Engine to the Spring Valley Fire Department (Staff Contact: Chris Schroeder, 586-3161)**
- * 13. Deny Marquee Request from Tracy Nguyen of the Silicon Valley Leadership Group (Staff Contact: Renee Lorentzen, 586-3286)**
- * 14. Approve Marquee Request from Community Librarian Linda Arbaugh of the Milpitas Library (Staff Contact: Renee Lorentzen, 586-3286)**

XVIII. ORDINANCES - None

XIX. RESOLUTIONS

- * 15. Adopt Resolution Granting Final Acceptance: Calaveras / Piedmont -Evans Intersection Improvements, Project No. 4208 (Staff Contact: Doug De Vries, 586-3313)

XX. BIDS AND CONTRACTS

- * 16. Award the Bid for Annual Vehicle Purchases (Staff Contact: Chris Schroeder, 586-3161)
- * 17. Approve Amendment No. 6 to Valley Oil Company Contract (Staff Contact: Chris Schroeder, 586-3161)
- * 18. Award Purchase of a Honda ST1300P Police Motorcycle (Staff Contact: Chris Schroeder, 586-3161)
- * 19. Award the Bid for Traffic Data Collection (Staff Contact: Chris Schroeder, 586-3161)
- * 20. Authorize the City Manager to Execute an Agreement Amendment: JMH Weiss, Inc., Abel Street Midtown Improvements, Project No. 8157 (Staff Contact: Steve Erickson, 586-3414)
- * 21. Authorize the City Engineer to Execute a Contract Change Order and Approve Budget Appropriation: 2005 ADA Sidewalk Ramps, Project No. 4226 (Staff Contact: Doug DeVries, 586-3313)
- * 22. Approve Release of Retention: HMM Incorporated, Montague Expressway Widening, Project No. 4179 (Staff Contact: Greg Armendariz, 586-3317)
- * 23. Authorize City Manager to Execute Agreement Amendment: SSA Landscape Architects, Inc., Sports Center Circulation Improvements, Project No. 8149 (Staff Contact: Greg Armendariz, 586-3317)
- * 24. Approve Permittee Dedication, Improvement and Encroachment Permit Agreements for Milpitas Town Center Located on Milpitas Blvd., Calaveras Blvd. and Hillview Dr., Project No. 3153 (Staff Contact: Mehdi Khaila 586-3328)
- * 25. Award the Bid for a Boom Truck (Staff Contact: Chris Schroeder, 586-3161)
- * 26. Award Bid for Mechanical Shade Support System (Staff Contact: Chris Schroeder, 586-3161)

XXI. CLAIMS AND DEMANDS -None

XXII. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, OCTOBER 4, 2005, AT 7:00 P.M.**

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review. FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE OPEN GOVERNMENT COMMISSION

at the City Attorney's office at Milpitas City Hall
455 E. Calaveras Boulevard, Milpitas, CA 95035

E-mail: rpioroda@ci.milpitas.ca.gov / Fax: 408-586-3030 / Phone: 408-586-3040

A free copy of the Open Government Ordinance is available from the City Clerk's Office or by visiting the City's website www.ci.milpitas.ca.gov, select Open Government Ordinance under News Features.

BECOME A CITY COMMISSIONER!

Currently, there are openings on the following Commissions/Committees:

Community Advisory Commission

Economic Development Commission (rep from Hotel Industry)

Recycling & Source Reduction Advisory Commission (rep from Business)

Public Art Committee

Applications are available online at www.ci.milpitas.ca.gov or outside the Council Chambers.

Please call the City Clerk's Office (586-3003) for information.

AGENDA REPORTS

XIII. PUBLIC HEARINGS

- 1. Conduct A Public Hearing, Consider Findings and Recommendations from the Parks, Recreation and Cultural Resources Commission, Make A Finding of Compliance with Mitigation Measures in the Environmental Impact Report, and Approve A Permit for Relocation or Demolition of the “Winsor Blacksmith Shop” Building at 112-116 N. Main Street (Staff Contact: Mark Rogge, 586-3403)**

Background: On August 2, 2005, the City’s Redevelopment Agency acquired real property, consisting of two parcels (Assessor’s Parcel Numbers 28-24-026 and 28-24-020) at 112-116 North Main Street, for the construction of the City’s new Library and Midtown East Parking Garage. All structures on the newly acquired property must be removed and the site cleared for construction. The property contains the former “Winsor Blacksmith Shop” building built in 1926.

In compliance with mitigation measures listed in the North Main Street Development Environmental Impact Report, a Request for Proposals (RFP), which offers the building for sale and removal was recommended by the Parks, Recreation, and Cultural Resources Commission (PRCRC) and subsequently approved by the City Council on August 16, 2005.

The RFP was advertised in the newspaper, sent to the PRCRC and Milpitas Historical Society and published on the City’s website. Pre-proposal meetings were held on August 23, and September 1, 2005. Two people from the Milpitas Historical Society attended to obtain information. No responses or proposals were received by the due date of September 7, 2005. Therefore, the buildings and the site will be cleared for future construction of the library and parking garage.

The Environmental Impact Report established certain mitigations measures that should be done prior to demolition of the building, including: producing a full set of Historic American Building Survey (HABS)-style photo documentation, a history of the Winsor Blacksmith Shop, and a brochure; and to salvage architectural elements and boards with brands from the building and incorporate them into a display.

Permission to remove or demolish a cultural resource is regulated under the City’s Cultural Resources Preservation Ordinance, which calls for the City Council to consider the findings and recommendations of the PRCRC and hold a Public Hearing. At the conclusion of the public hearing the City Council may grant the permit forthwith or delay the approval of the permit for 180 days, and may impose reasonable conditions.

On September 12, 2005, the PRCRC met and discussed removal of the Blacksmith Shop and made the following findings and recommendations, which are more fully detailed in the minutes of the meeting:

Findings

1. Demolition of the “Winsor Blacksmith Shop” will detrimentally alter, destroy or adversely affect the exterior architectural features.
2. The City offered the building for sale and relocation, in accordance with mitigation measures in the EIR, and received no proposals.
3. The library and associated garage plan was designed around restoring and preserving the historic Milpitas Grammar School building, and the plan for the new library and associated garage is dependent upon removal of the “Winsor Blacksmith Shop.”

Recommendations

1. In light of the findings, the demolition of the “Winsor Blacksmith Shop” should be conditioned upon the following requirements:

- a. prior to demolition, a full set of Historic American Building Survey (HABS)-style photo documentation shall be made;
- b. a history of the “Winsor Blacksmith Shop” shall be prepared and published in a brochure, made available at the library; and
- c. architectural elements such as boards with brands from the building shall be preserved and incorporated into a display, by the owner, as mitigation for the destruction of the building.

Staff will report any of the actions taken by PRCRC at the Council Meeting.

Staff recommends, that after consideration of the PRCRC findings and recommendations and other comments expressed during the public hearing, that the City Council grant permission to demolish the Winsor Blacksmith Shop and other buildings on site, and require that the following conditions apply:

1. A full set of Historic American Building Survey (HABS)-style photo documentation shall be made prior to demolition.
2. A history of the Winsor Blacksmith Shop shall be prepared and published in a brochure, made available at the library, no later than 180 days after demolition.
3. Architectural elements such as boards with brands from the building shall be preserved prior to demolition and staff shall return to the City Council with a plan for a historical display prior to completion of design of the library.

The notice of public hearing was advertised in the Milpitas Post, sent to the PRCRC and Milpitas Historical Society, mailed to property owners within 300 feet of the site, and posted at City facilities and on the City’s web site.

Recommendation:

1. Close the Public Hearing
2. Find that the mitigations measures pertaining to the removal or demolition of the Winsor Blacksmith shop have been met or will be met when the conditions for demolition are satisfied.
3. Grant permission to demolish the Winsor Blacksmith Shop, subject to the conditions listed in this staff report.

2. Adoption of the Community Development Block Grant (CDBG) Consolidated Annual Performance Evaluation Report (CAPER) / FY 2004-2005 (Staff Contact: Felix Reliford, 586-3071)

Background: The Consolidated Annual Performance Evaluation Report (CAPER) is a HUD mandated report that describes the City’s one-year CDBG Programs and Activities undertaken during the past CDBG program year, 2004-2005. The CAPER also evaluates the City’s overall progress in carrying out those priority projects that were identified in the approved Five-Year Consolidated Plan and One-Year Action Plan.

A copy of the CAPER has been included in the Council’s agenda packet. In summary, the attached report identifies the following major accomplishments:

- Proposed and/or approval of 1,750 new housing units to the Milpitas housing stock, including approximately 435 new affordable rental and for-sale housing units for very low, low, and moderate-income households;
- Exceeding the goals of 200-250 new affordable housing units identified the Five-Year Consolidated Plan (2002-2007);
- Implementation of the Consolidated Plan, Midtown Specific Plan, General Plan Housing Element policies and goals to support and encourage affordable housing opportunities for Milpitas residents;

- Completion of Phase I and Approval of the work plan for Phase II of the Transit Area Specific Plan to allow higher densities within ¼ mile of Light Rail and future Montague/Capitol BART Transit Stations;
- Financial assistance for affordable housing projects, Interim Senior Center renovations and ESO home improvements to preserve existing affordable housing stock, and help improve health and safety conditions for physical limited persons;
- Funding to assist 21 different public services agencies and housing providers; and
- Milpitas' Single Family Rehabilitation Loan Program

The CAPER has been advertised for public review and comments for 15 days (August 22-September 7, 2005). Copies of the CAPER were sent to all Service and Housing Providers that received CDBG funds from the City and other interested parties. Copies were also made available at City Hall and Public Library. Staff has received two public comments.

Recommendation:

1. Close the public hearing.
 2. Adopt the Consolidated Annual Performance Evaluation Report for FY 2004-2005.
- 3. Authorize Entertainment Permit for St. John the Baptist Church “Autumn Festival” on October 14-16, 2005 (Staff Contact: Mary Lavelle, 586-3001)**

Background: St. John the Baptist Catholic Church submitted an application for an Entertainment Event Permit to hold its first ever “Autumn Fest” on church grounds at 279 So. Main Street (between Abel and Main Streets) over the weekend, Friday – Sunday, October 14-16, 2005. Hours will be from 5:00 – 11:00 PM on Friday, 11 AM to 11PM on Saturday, and 11 AM to 5 PM on Sunday. The festival will consist of many activities for the community including carnival rides for children, food and beverage including beer and wine, music, silent auction, and pancake breakfast.

The application was reviewed and approved by the various City departments and the public hearing advertised as required by municipal code. Appropriate conditions were stated by the Planning, Building, Finance and Police Departments, as noted in the agenda materials.

For your information, Recreation Services has advised that the City-sponsored “Harvest Festival” will take place on Saturday, October 15 at Cardoza Park from 11 AM – 4 PM.

Recommendation:

1. After public testimony is heard, move to Close the Public Hearing.
 2. Move to approve an Entertainment Permit for St. John The Baptist Catholic Church’s “Autumn Festival” on October 14, 15, and 16, 2005.
- 4. Introduce Ordinance No. 38.767 Amending Title XI Chapter 10 (Planning, Zoning and Annexation) and Chapter 1 (Subdivision Ordinance) Text of the Municipal Code (P-ZT2005-2) (Staff Contact: Kim Duncan, 586-3283)**

Background: Ordinance No. 38.767 was initiated by staff to modify the zoning code for the purpose of eliminating inconsistencies, improve its effectiveness, clarify use determinations, and simplify areas of the ordinance that have been difficult to understand and interpret. The purpose for these modifications is to improve the “use friendliness” of the zoning code.

A draft version of Ordinance 38.767 was introduced to the Planning Commission at their meeting on August 10, 2005 as a public hearing item. At the meeting, Jim Murar, applicant for Parc Place, voiced concerns regarding the proposed text changes to the Private Usable Open Space Requirements for Residential Uses (Section 8.07 and Section 38.07). The Commission recommended removing the item from the proposed amendments and requested future

clarification from staff. Staff presented revised language for this item to the Planning Commission at their August 24, 2005 meeting. The Planning Commission had concerns regarding the minimum dimension of balconies and porches and recommended the minimum dimension be increased from 4 ½' x 4 ½' (20.25 square feet) to 6' x 4 ½' feet (27 square feet) for private usable open space requirements. With this revision, the Planning Commission recommends the City Council adopt a resolution approving the Negative Declaration (EA2005-3), and the proposed zoning and subdivision ordinance text amendments.

A total of twenty-six (26) modifications and clarifications are contained within this package of amendments. Briefly, these are as follows:

1. definition of “food store”;
2. definition of “vocational school”;
3. definition of “redevelopment”;
4. definition of “infill”;
5. definition of “gross acreage”;
6. clarification of “efficiency apartment” definition;
7. definition of “open space recreational facility”;
8. exempt small and large family childcare from home occupation section;
9. clarify permit notification requirements for large family day care homes;
10. correct scribners error in single family residential (R1-6) section;
11. clarify types of vehicle sales and repair in Mixed Use (MXD) zoning district;
12. clarify condominium conversion procedure;
13. update proper reference in Section 54;
14. clarify parkland dedication in Subdivision Ordinance;
15. remove Agricultural Residential (AR) zoning district from ordinance;
16. codify business-to-business printing in industrial districts;
17. codify after-market auto part sales in Highway Services (HS);
18. codify parking ratio for athletic facilities;
19. codify wholesale and breeding of tropical fish;
20. add wholesale businesses to Highway Services;
21. move conditional uses listed in Section 57 to appropriate zoning districts;
22. reduce minimum usable open space requirement and modify definition in Multi-Family High Density (R3) district;
23. change approval authority for applications with density bonus;
24. clarify guest parking discrepancies in R3, R4 and MXD districts;
25. update density bonus section; and
26. expand private open space requirements in R3, R4 and MXD districts.

The above text amendments are further discussed in the Background Report and Summary Matrix, and a clean version of Ordinance No. 38.767, all of which are included in the City Council’s agenda packet. In order to allow the Council to take an additional public testimony, should it so desire, this item has not been placed on the consent calendar.

Recommendation:

1. Close the public hearing.
2. Adopt the draft Negative Declaration (EA2005-3).
3. Waive reading beyond title.
4. Introduce Ordinance No. 38.767.

XIV. UNFINISHED BUSINESS

5. Fluoride Update Status Report (Staff Contact: Darryl Wong, 586-3345)

Background: Information on this item was first provided at the October 17, 2000 Council meeting. Several public meetings on fluoridation were conducted throughout the SFPUC service area, including one in Milpitas. San Francisco Public Utilities Commission has advised retailers, including Milpitas, that fluoridated water supply will begin in late Fall 2005. An oral report on the status will be provided, as requested by the City Council.

Recommendation: Hear report, note receipt, and file.

XV. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA1. Call to Order by the Mayor

RA2. Roll Call

RA3. Approval of Minutes (September 6, 2005)

RA4. Approval of Agenda and Consent Calendar

RA5. Review, Discuss And Provide Staff Direction On The Memorandum Of Understanding Between The Milpitas Redevelopment Agency, The City Of Milpitas, And The County Of Santa Clara For The Development Of A Health Center And Related Parking (Staff Contact: Greg Armendariz, 586-3317)

Background: On September 6th 2005, the City Council directed staff to agendize the review of the Memorandum of Understanding (MOU) for construction of a County Health Center. The City Council approved this non-binding MOU with the County for construction of a new Health Center on North Main Street on September 20th, 2004. The provisions of the MOU include: the County would construct a 60,000 square-foot, 3-story primary-care health center; medical services would include adult medicine, gerontology, pediatrics, obstetrics, gynecology, dentistry, clinical lab and pharmacy; the County would purchase the property for the health center on North Main Street adjacent to the Senior Housing site at fair market value up to an amount not-to-exceed \$2,020,000; the County would pay up to \$6,875,000 for design and construction of 275 “reserved parking” stalls, (or \$25,000 per stall) which the City would construct for the exclusive use of the health center; the County would pay for maintenance of the 275 parking stalls; the County would pay for utility connection, traffic impact, planning application and processing fees; and the City would pay for the improvement of North Main Street including new utilities and streetscape at no additional cost to the County.

Since the approval of this MOU, significant construction cost increases have occurred. The monetary cap on the MOU places a potential financial risk to the City.

Secondly, the City’s Redevelopment Agency purchased the property for the West Garage for \$1,979,775. The original MOU does not discuss the cost of the property for the Garage or who should cover this cost.

The City has had several recent discussions with the County to discuss garage funding concerns. The County indicated that they are in the process of obtaining additional direction from the County Board of Supervisors.

Upon receiving direction from Council, City staff can continue to meet and negotiate a final agreement with the County.

Recommendation: Review, consider and provide direction to staff on the Memorandum of Understanding for the County Health Center.

RA6. City of Milpitas Unaudited Financial Status Report For The Fiscal Year Ended June 30, 2005 (Staff Contact: Emma Karlen, 586-3145)

Background: The Finance Department will present a review of the City's unaudited financial status for the fiscal year ended June 30, 2005.

Recommendation: Receive staff report.

***RA7. Authorize the City Engineer to Execute Contract Change Order and Approve Budget Appropriation: Interim Senior Center Re-roofing Project No. 8135, (Staff Contact: Jorge Bermudez, 586-3404)**

Background: The City Council awarded this project to Western Roofing Service Contractor on July 5th, 2005, and construction has begun. The completed project will remove and replace the existing roof at the Cracolice Building.

Staff recommends additional work to remove deteriorated roofing insulation and replace it with new insulation that complies with current energy savings standards to save energy costs for cooling and heating the building. Staff has negotiated a contract change order, not to exceed \$15,000 with the contractor for this additional work. Approval of a contract change order is recommended. A contingency of \$10,000 is also recommended to correct poor conditions that may be revealed once HVAC units and other roofing material is removed. A budget appropriation in the amount of \$25,000 from the RDA Tax Increment Fund is recommended for this change order and contingency.

Recommendation:

1. Authorize the City Engineer to Execute Contract Change Order with Western Roofing not to exceed \$25,000, with a \$10,000 contingency.
2. Approve a budget appropriation of \$25,000 from the Redevelopment Agency Tax Increment fund to Project 8135.

***RA8. Approve New Capital Improvement Program Project and Budget Appropriation for Senior Center, Project No. 8176, (Staff Contact: Mark Rogge, 586-3403)**

Background: This project provides for the design of the remodel of the existing Library building at the Civic Center to create the new Senior Center facility. Building improvements will include a new kitchen, new HVAC system and restroom addition, renovation of the building, including code up grades, sitework, and other improvements to support current and future senior center activities programming.

The next steps are to begin the consultant selection, initiate a building program and design process. Moving the funding for design and administration forward will support beginning the design process now, rather than in fiscal year 2007-08 as requested by Council. Future appropriation for construction will be requested after the Project Cost Plan is developed.

Funds for this project are available from the 2003 RDA Tax Allocation Bonds.

Recommendation:

1. Approve new CIP Project 8176 Senior Center – 2005.
2. Appropriate \$2,300,000 to the Senior Center project 8176 from the 2003 RDA Tax Allocation Bonds.

***RA9. Approve Plans And Specifications And Authorize The Advertisement For Bid Proposals: Demolition Of Winsor Blacksmith Shop And Other Buildings On 86-116 North Main Street East Garage Land Acquisition & Site Preparation, Project Nos. 8154 & 8169, (Staff Contact: Mark Rogge, 586-3403)**

Background: Plans and specifications for the subject project have been completed in accordance with the approved five-year Capital Improvement Program (CIP). This phase of the project includes demolition and removal of the Winsor Blacksmith Shop and other structures at 86-116 N. Main Street in preparation for construction of the new library and Midtown East parking garage.

In accordance with the requirements of the Main Street Development EIR, the Winsor Blacksmith Shop building has been advertised and offered for sale with no takers; prior to demolition, a full-set of Historical American Buildings Survey (HABS)-style photo and oral history documentation shall be completed and architectural elements, such as branded boards will be preserved.

The Engineer's estimated construction cost for the work is approximately \$200,000, and funds are available in the project budgets. A copy of the project plan title sheet is included in the Council's agenda packets. Complete plans and specifications are available for review in the office of the City Engineer.

Recommendation:

1. Approve plans and specifications for the demolition at Winsor Blacksmith Shop and other buildings on 86-116 North Main Street, subject to approval at public hearing.
2. Authorize advertising for bid proposals.

***RA10. Authorize the City Manager To Execute an Agreement: Carey & Company, Inc., Architecture For Mitigation Plan for Winsor Blacksmith Shop and Other Buildings: North Main Street Development Environmental Impact Report (EIR) Cultural Resources Mitigations, Project No. 8169 (Staff Contact: Mark Rogge, 586-3403)**

Background: Staff interviewed several professional consultants in conformance with the City's consultant selection process, and recommends that Carey & Company, Inc. Architecture provide the services required to complete certain cultural resources mitigations included as part of the Environmental Impact Report (EIR) approved for the redevelopment of North Main Street. The Main Street EIR environmental mitigations required prior to demolition of the Winsor Blacksmith Shop, included preparation of Historic American Buildings Survey (HABS) photographs, oral history documentation, production of a historical brochure and preservation and display of architectural elements, such as branded boards.

Carey & Company is experienced in Historic preservation and documentation, and is part of the team, with Group 4 Architecture, designing the preservation of the Milpitas Grammar School as part of the new library. Staff has negotiated a scope and fee for these services not to exceed \$20,000, which is considered reasonable for the work. There are sufficient funds in the project budget to cover this additional expense.

Recommendation: Authorize the City Manager to execute the agreement with Carey & Company, Inc. Architecture, in the amount of \$20,000, subject to approval as to form by the City Attorney. Approve plans and specifications for the demolition at Winsor Blacksmith Shop and other buildings on 86-116 North Main Street, subject to approval at public hearing.

***RA11. Approve Plans and Specifications and Authorize the Advertisement for Bid Proposals and Approve Agreement with PG&E: North Main Street Utility Improvements, Project No. 8153 (Staff Contact: Steve Erickson, 586-3414)**

Background: Plans and specifications for the subject project have been completed in accordance with the approved five-year Capital Improvement Program (CIP). The project provides all new underground utilities within North Main Street from Weller Lane to Carlo Street, including portions of Winsor Street, and Weller Lane to support the new library, parking garages, Senior Housing and County Health Center projects. The project also includes undergrounding of overhead power and telecommunications wires and the removal of existing utility poles along the frontage of the library on Main Street, and along portions of Weller Lane and Winsor Street to allow for construction of the Midtown East garage.

The Engineers' estimate for the work is approximately \$3,500,000. A copy of the project plan title sheet is included in the Council's agenda packets. Complete plans and specifications are available for review in the office of the City Engineer. It is anticipated that a budget appropriation will be required to award this project for construction.

The removal of power poles and the undergrounding of utility wires by PG&E requires that the City enter into an agreement with PG&E and to pay fees for the design, construction, and inspection of the electrical and undergrounding work. The fee to PG&E for this work is \$315,194.16, including a \$50,000 deposit. Staff recommends the City enter into the agreement with PG&E for the undergrounding work and pay the required fees to provide for the undergrounding of the utilities. Funds are available in the project budget for these PG&E costs.

Recommendation:

1. Approve plans and specifications
2. Authorize advertising for bid proposals.
3. Authorize the City Manager to execute the agreement with PG&E and pay the associated \$315,194.16 fee to PG&E.

***RA12. Authorize City Manager To Execute Agreement Amendment: West Yost & Associates, Main Sewage Pump Station Improvements, Project No. 6079 (Staff Contact Greg Armendariz, 586-3317)**

Background: West Yost & Associates, engineering consulting firm, was retained in August 2003 to provide design services for modifications to the main sewage pump station site. West Yost designed the demolition of the old sewage treatment facilities, remediation, earthwork, paving, and associated work. These work items are now complete. Staff recommends that West Yost & Associates perform additional services to design improvements for Public Works maintenance and operations functions, as noted in the approved Capital Improvement Project.

The improvements include an operations building, utility extensions and upgrades, storm drainage improvements, paving for vehicular access and circulation improvements, and landscaping. An agreement amendment is proposed for these additional services. Staff has negotiated a scope and fee for these services not to exceed \$167,200, which is considered reasonable for the work. There are sufficient funds in the project budget to cover this expense.

Recommendation: Authorize the City Manager to execute an agreement amendment with West Yost & Associates, in the amount of \$167,200, subject to approval as to form by the City Attorney.

RA13. Agency Adjournment

XVI. REPORTS OF OFFICERS, COMMISSIONS, AND COMMITTEES

City Council

6. Approve Mayor Esteves' Recommendations for Appointments to Current Commission Vacancies and Re-Appointments (Contact: Mayor Esteves, 586-3029)

Background: Several City Commissions have Commissioners whose terms expire in August, September, and October, while others have current vacancies. Mayor Esteves recommends the following Milpitas residents be appointed to Commissions noted below.

Bicycle Transportation Advisory Commission

Re-appoint Fred Zeise to a 3-year term that expires August 2008.

Re-appoint Nawal Stanojevic to a 3-year term that expires August 2008.

Appoint Cheryl Bunnell as Alternate No. 2, to a two-year term that expires August 2007.

Recycling and Source Reduction Advisory Commission

Re-appoint Ed Blake Jr. to a 3-year term that expires October 2008.

Re-appoint Don Downey to a 3-year term that expires October 2008.

Appoint John T. Ebnetter to a 3-year term that expires October 2007

Sister Cities Commission

Re-appoint Dennis Grilli to a 3-year term that expires September 2008.

Re-appoint Echo Arthur to a 3-year term that expires September 2008.

Re-appoint Alternate #2 Beverly McCarter to a 2-year term that expires September 2007.

Youth Advisory Commission

Re-appoint Joseph Hall to a one-year term that expires September 2006.

Re-appoint Aditya Ullal to a one-year term that expires September 2006.

Re-appoint Jay Kumar to a one-year term that expires September 2006.

Re-appoint Danielle Yee to a one-year term that expires September 2006.

Appoint Lorden Fok (formerly Alternate #3) to a one-year term that expires September 2006.

Appoint Roxane Lachance (formerly Alter. #4) to a one-year term that expires September 2006.

Appoint Alex Tran to a one-year term that expires September 2006.

Appoint Nida Asif to a one-year term that expires September 2006.

Appoint Ha La to a one-year term that expires September 2006.

Appoint Jason Nguyen as Alternate #1 to a one-year term that expires September 2006.

Appoint Larry Le as Alternate #2 to a one-year term that expires September 2006.

Appoint Josephine Fong as Alternate #3 to a one-year term that expires September 2006.

Appoint Sareen Sandhu as Alternate #4 to a one-year term that expires September 2006.

Recommendation: Motion to approve the Mayor's Appointments.

7. Report of Mayor Esteves – Review, Consideration and Approval of City Council Invocation Guidelines (Contact Mayor Esteves, 586-3029)

Background: At the City Council's May 3, 2005 meeting, staff presented to Council for its consideration a policy and implementation plan for non-denominational invocations preceding Council meetings. Following the presentation, the City Council directed the City Attorney, among other tasks, to prepare a draft set of guidelines for City Council invocations. At Mayor Esteves' request, a draft set of guidelines is hereby presented for the City Council's review, consideration, and approval.

Recommendation: Motion to:

1. Review, consider and approve with or without edits, the proposed invocation guidelines.
2. Direct staff to include in all subsequent City Council agendas an item titled, "City Council Invocation."
3. Direct staff to agendize an invocation for the City Council's next regularly scheduled meeting, October 4, 2005.
4. Direct staff to establish the invocation guidelines as a Milpitas Standard Operating Procedure and /or include them in the City Council's Handbook.

8. Report of Council Finance Subcommittee (Contact: Vice Mayor Gomez, 586-3031)

Background: Vice Mayor Gomez will report on recent meetings of the Subcommittee.

Recommendation:

Move to receive report and approve the following recommendations of the Finance Subcommittee:

- 1) Accept the Fire Chief's recommendations to address the overtime issue.
- 2) Authorize staff to bring back an ordinance to designate three locations within the City and the City's website for posting of public notices and solicitations for bids on City public projects.
- 3) Authorize staff to proceed with Option A as identified in staff's memo to host the Commissioners' Recognition Event at the City Hall.
- 4) Defer the hiring of three positions: City Manager for nine months, Police Chief for nine months, and Human Resources Director by six months.
- 5) Pre-fund the retiree medical benefits by including a portion of the costs in the annual operating budget, beginning in fiscal year 2006-07. The funding amount will be determined as part of a revised budget policy, to be approved by the City Council.
- 6) Restore funding for the cultural arts, youth sports and child care grants, as savings have been identified in the FY 2005-06 operating budget.

9. Implementation of the Clean and Safe Streets Program: Phase I Milpitas Pedestrian Safety Initiative (Contacts: Vice Mayor Gomez 586-3031 and Councilmember Polanski 586-3024)

Milpitas' streets are not just for driving from one place to another. They really should be considered an extension of our front yards, which are shared by everyone who lives in Milpitas, or who just passes through. Each street has room to improve whether it's a neighborhood street like Perry Dr. or arterial streets like Park Victoria. We can and will do a better job of making sure our streets are clean and safe.

Vice Mayor Gomez and Councilmember Polanski request the City Council consider moving forward with Phase I of a new program called the "Clean and Safe Streets Program." The "Clean and Safe Streets Program" includes three major initiatives that seek to better balance all the functions of a street and make our streets a truly public realm and put people and quality of life first. The first phase is described in detail below and focuses on pedestrian safety through engineering improvements. The second phase will focus on beautifying our public streets through capital improvements such as, but not limited to, minimizing the backlog in our slurry seal and resurfacing programs. The final phase will focus on restoring educational safety programs

through grant funds, such as Suggested Routes to School. These educational safety programs were cut during last year's budget cycle.

Milpitas Pedestrian Safety Initiative

The City of Milpitas takes the safety of pedestrians, bicyclists and motorists very seriously. For the past several years, the City has experienced a low injury and fatality crash rate. Through educational safety programs, like Suggested Routes to School Program and others, the City, School District, and Milpitas Foundation for Education partnered to educate our young students about traffic safety, increase awareness and improve choices that children make as they travel to and from school. Traffic safety education assisted in preventing traffic-related injuries to our young students.

This Milpitas Pedestrian Safety Initiative takes educational safety programs to the next level of engineering improvements. It continues to enhance traffic and pedestrian and vehicular safety at the most critical locations in the City. The program weaves miscellaneous elements already in progress and some new ones into one program, reflecting a long-term capital commitment to pedestrian safety through engineering improvements. This program proposes installing devices that include, but are not limited to, the following:

High-Visibility Crosswalks

High visibility enhanced crosswalks help direct drivers attention to crossings ahead of them through the use of different roadway markings patterns, additional signage and/or new technologies such as Flashing Beacon systems.

Pedestrian Countdown Signals

These devices display the amount of time remaining before the flashing "Don't Walk" display terminates and the signal transitions to Yellow and Red.

Enhanced Red Light Running Enforcement

The City currently uses Red Light Status Indicator (Rat Boxes) at select signalized intersections to assist police officers in identifying vehicles that run red lights. Devices were deployed through a Co-op Grant with the Traffic Safe Communities Network. Staff should provide an update on the use of Rat Boxes in the City, explore uses in other locations and explore new technologies such as Red Light Running Enforcement Cameras.

Vehicle Speed Feedback Signs

Vehicle Speed Feedback Signs provide a dynamic display used to notify motorists of their travel speed on a street.

Recommendation:

Vice Mayor Gomez and Councilmember Polanski request the council move to forward this request to the Transportation Subcommittee for implementation review and to the Capital Improvement Program subcommittee for prioritization and funding recommendation. Staff should also be directed to explore available grants to begin implementation of the program.

10. Milpitas Support for Hurricane Katrina Victims (Contacts: Vice Mayor Gomez, 586-3031 and Councilmember Livengood 586-3027)

Background: Hurricane Katrina has proven to be a tragedy that has affected the lives of thousands of individuals. It's a disaster that, while thousand of miles away, touches Milpitas residents. The recovery effort may take months or maybe even years. It is a disaster such as this one that requires support from all of us, including cities like Milpitas.

Americans have begun to show their compassion and generosity during a time of need. We can still do more and we will do more. These recommendations will help to ensure that Milpitas does everything it can to help those in need. Vice Mayor Gomez and Councilmember Livengood propose the City of Milpitas stand side by side with many other cities in our nation and support the victims of Hurricane Katrina:

Recommendations:

1. Call on residents and businesses to give support to organizations sponsored by FEMA, and including the American Red Cross. Encourage local community, business and faith-based organizations to develop events and involve the community in raising funds for relief.
2. Designate a pay period for Milpitas Employees, if they choose, to have an approved automatic payroll deduction to be contributed to the American Red Cross to assist with relief efforts.
3. The City of Milpitas should take the lead in this call by designating \$1,000 in funds to this effort.
4. Designate the four fire stations in the City as contribution centers for relief efforts. Request the IAFF and the MPOA provide support in coordinating these efforts.
5. Provide a listing of all FEMA sponsored organizations on the City website and Channel 15 where residents can make contributions to support victims.
6. Provide a list of organizations involved in the relief efforts on the city website.
7. Request staff find ways to support city employees volunteering for the American Red Cross or FEMA. Employees who may have skills and can volunteer should be allowed to do so without a loss in pay.
8. Request the City Attorney to review our military leave program to ensure that those who may be called to serve continue to receive salary and benefits.

Recommendation: Motion to approve the request of Vice Mayor Gomez and Councilmember Livengood that the City Council approve the recommendations listed.

XVII. NEW BUSINESS

11. Consideration of the City Council Meeting Schedule for 2006 (Contact: Mary Lavelle, 586-3001)

Background: In 2006, the first Tuesday in the month of July will fall on the national Independence Day Holiday, July 4th. Milpitas City Council has traditionally adjusted its July meeting schedule, by canceling the second meeting of the month.

City staff has begun preparing year-long calendars for next year and have inquired of the City Council as to what schedule will be followed in 2006. Several options are available for your discussion and selection.

Recommendation: Approve a motion to adopt one of the following options for July 2006:

1. Move the first meeting to the following week on Tuesday July 11th. Cancel 2nd meeting in July.
2. Cancel first meeting of the month (July 4th), and hold only one meeting on the third Tuesday, July 18th.

*** 12. Release of Surplus Fire Engine to the Spring Valley Fire Department (Staff Contact: Chris Schroeder, 586-3161)**

Background: City vehicle #35, a 1987 Sutphen Fire Engine, license #200212 has reached the end of its service life and become surplus equipment scheduled to be disposed from the fleet. The City has an on going relationship with the Spring Valley Volunteer Fire Department and has

agreed to donate the vehicle to them. The vehicle has been decommissioned and is currently being stored at Fire Station #1 awaiting council approval.

Recommendation: Authorize the Purchasing Agent to release title and custody of surplus Fire Engine #35 to the Spring Valley Volunteer Fire Department.

- * 13. **Deny Marquee Request: Tracy Nguyen, Silicon Valley Leadership Group (Staff Contact: Renee Lorentzen, 586-3286)**

Background: Tracy Thanh Nguyen, on behalf of the Silicon Valley Leadership Group, has requested to place information on the City of Milpitas Marquee to advertise their upcoming event on November 24, 2005. The following is the requested information:

SVLG Turkey Trot
5K/10k Run or Walk
11/24 www.svlg.net
Info 408.501.7864

Pursuant to City Council Resolution No. 6310, Facility Rules and Regulations the marquee is to be used for City sponsored activities only and City Council must approve all exceptions to the marquee policy.

In the past, City Council has denied requests to use the marquee for personal parties or functions.

Recommendation: Based on previous Council direction regarding personal marquee requests, staff is recommending denying this request.

- * 14. **Approve Marquee Request from Community Librarian Linda Arbaugh of the Milpitas Library (Staff Contact: Renee Lorentzen, 586-3286)**

Background: Linda Arbaugh, Community Librarian, on behalf of the Milpitas Library, has requested to place information on the City of Milpitas Marquee to advertise their upcoming event from October 7-9, 2005. The following is the requested information to run September 26 – October 9, 2005:

Library Book Sale
Oct 7 Members Only
Oct 8 & 9 For All
Info: 262-1171

Pursuant to City Council Resolution No. 6310, Facility Rules and Regulations the marquee is to be used for City sponsored activities only and City Council must approve all exceptions to the marquee policy.

Recommendation: Approve Linda Arbaugh, Community Librarian's request to use the City of Milpitas Marquee from September 26 – October 9, 2005.

XVIII. ORDINANCES - None

XIX. RESOLUTIONS

- * 15. **Adopt Resolution Granting Final Acceptance: Calaveras / Piedmont -Evans Intersection Improvements, Project No. 4208, (Staff Contact: Doug De Vries, 586-3313)**

Background: This project, which was initially accepted on July 6, 2004, has passed the one-year warranty period. A final inspection has been made and the public improvements that include roadway widening on Calaveras Road from Gadsden Avenue to Piedmont Road, and landscaping improvements were approved. Therefore, staff recommends Council to grant final acceptance and the contractor's bond may be released.

Recommendation: Adopt Resolution granting final acceptance and release of the bond.

XX. BIDS AND CONTRACTS

* 16. Award the Bid for Annual Vehicle Purchases (Staff Contact: Chris Schroeder, 586-3161)

Background: The current fiscal year's budget includes the purchase of three trucks to replace current worn and obsolete equipment; one (1) for Engineering, and two (2) for Building Inspection. Purchasing worked with department representatives and Fleet Maintenance staff to develop specifications on the vehicles and bids were sent to eight (8) regional and Bay Area Ford dealers on Purchasing's bidders list. Six bids were received and are summarized below:

<u>Make & Quantity</u>	<u>S&C</u>	<u>Salinas Valley</u>	<u>Frontier</u>	<u>Nelson</u>	<u>Hoblit Motors</u>	<u>BobLynch</u>
Ranger XLT 4X2 (1)	\$15,165.00	\$15,062.99	\$15,112.15	\$15,969.00	\$15,182.00	\$16,581.00
F-150 XLT (1)	18,275.00	20,559.99	20,609.15	19,158.00	21,531.00	22,137.00
Escape XLT (SUV) (1)	19,055.00	18,952.99	19,002.95	19,947.00	19,253.00	20,284.00
Sub Total	52,495.00	54,575.97	54,724.25	55,074.00	55,966.00	59,002.00
Tax	4,330.84	4,502.52	4,514.75	4,543.61	4,617.20	4,867.67
Freight			150.00			100.00
Tire Fee	25.68	25.68	25.68	25.68	25.68	25.68
Total	56,851.52	\$59,104.17	\$59,414.68	\$59,643.29	\$60,608.88	\$63,995.35

S&C Ford is the overall low bidder. The bid was structured such that the City could award on a line item basis, however in this case the savings (\$220.85) is not considered sufficient to offset the cost of the additional processing. Sufficient funding has been allocated in the FY 05/06 Equipment Replacement fund and the department operating budgets for the purchase of the vehicles.

Recommendation: Award the bid for all three (3) vehicles to S&C Ford in the amount of \$56,851.52 including tax and tire fees.

* 17. Approve Amendment No. 6 to Valley Oil Company Contract (Staff Contact: Chris Schroeder, 586-3161)

Background: On October 2, 2005 the contract to provide citywide gasoline and diesel fuel, supplied by the Valley Oil Company, will terminate. This amendment will extend the contract date from October 3, 2005 to December 5, 2005 to allow for adequate time to bid out the City's future requirements. In order to cover current usage and price volatility, the contract amount will need to be increased by \$60,000 which increases the total compensation of the contract from \$499,332.46 to \$559,332.46

(There are sufficient funds in the Public Works Department operating budget for these fuel purchases.)

Recommendation: Approve Amendment No. 6 to the Valley Oil Company contract, subject to approval as to form by the City Attorney, and authorize the contract extension and increase the not to exceed amount of the contract to \$559,332.46 as recommended by staff.

* 18. **Award Purchase of a Honda ST1300P Police Motorcycle (Staff Contact: Chris Schroeder, 586-3161)**

Background: The current fiscal year's budget for the Police Department includes the replacement of a motorcycle. In researching the replacement motorcycle, staff learned that Kawasaki was no longer manufacturing police motorcycles. The selection options were therefore limited to (3) manufacturers that law enforcement agencies use for motorcycle traffic enforcement - BMW, Harley Davidson and Honda. A study of the (3) alternatives was conducted by the Police Traffic Unit, and the Honda ST1300P was determined to be the most suitable. Staff solicited quotes from eight (8) vendors, three (3) responded, the results are as follows:

	<u>Carmichael Honda</u>	<u>Honda Peninsula</u>	<u>East Bay Motorsports</u>
Honda ST1300P	\$13,687.00	\$14,559.00	\$13,615.34
Tax	1,129.18	1,201.12	1,123.27
Tire Fee			3.50
Total	\$14,816.18	\$15,760.12	<u>\$14,742.11</u>

(These purchases will be funded by the Equipment Replacement Fund and the Police Department and Fleet Maintenance Operating Budgets.)

Recommendation: Award the bid to East Bay Motorsports for the purchase of a Honda ST1300P police motorcycle in the amount of \$14,742.11 including tax and tire fee.

* 19. **Award the Bid for Traffic Data Collection (Staff Contact: Chris Schroeder, 586-3161)**

Background: The City of Milpitas is seeking the services of a consultant to collect traffic data to update the City's Traffic Volume Map and Traffic Signal Warrant Program through the use of both 12-hour manual turning movement counts and 7-day mechanical hose counts. Purchasing sent bids to thirteen (13) vendors on Purchasing's vendor list. Four (4) bids were received and are summarized below.

	<u>Wiltec</u>	<u>Field Data Service</u>	<u>Marks Traffic Data Services</u>	<u>Traffic Data Services</u>
12-hour manual turning count	\$11,520.00	\$4,688.00	\$5,100.00	\$7,200.00
7-day mechanical hose count	10,000.00	12,500.00	9,720.00	6,250.00
7-day mechanical hose count	10,000.00	12,500.00	9,720.00	6,250.00
Total	\$21,520.00	\$17,188.00	\$14,820.00	<u>\$13,450.00</u>

After the bid was received, Transportation Planning also required an update study for the East-West Corridor to be conducted. The additional scope of work includes future traffic data collection at different locations as necessary. Traffic Data Services agreed to perform the work at the same unit price for \$8,000.00

(Sufficient funding has been allocated in the Transportation Planning and Traffic Engineering budgets for this purchase.)

Recommendation: Award the bid for traffic data collection to Traffic Data Service and authorize the City Manager to execute an agreement for the not to exceed amount of \$21,450.00, subject to approval as to form by the City Attorney.

- * 20. **Authorize the City Manager to Execute an Agreement Amendment: JMH Weiss, Inc., Abel Street Midtown Improvements, Project No. 8157, (Staff Contact: Steve Erickson, 586-3414)**

Background: On March 25, 2004, the City Council awarded a consultant services agreement to JMH Weiss, Inc. to provide base mapping, utility mapping, and to design street improvements on Abel Street from Weller Lane to Great Mall Parkway to address the appropriate upgrades and additions required to create a boulevard corridor on Abel Street.

Staff recommends that JMH Weiss perform additional services to provide easement descriptions for the acquisition of right-of-way for the undergrounding of existing electrical facilities; to provide Value Engineering services to determine opportunities for cost savings in the construction of the curb/gutter, pavement sections, and PG&E joint trench work, and to provide design of these facilities as required to take advantage of the anticipated savings; and attendance at additional coordination meetings with project stakeholders such as PG&E and KB Home as required to coordinate the different aspects of the projects.

Staff has negotiated a fee for these additional services not to exceed \$42,000, which is considered reasonable for the work.

Recommendation: Authorize the City Manager to execute an Agreement Amendment with JMH Weiss in the amount of \$42,000 subject to approval as to form by the City Attorney.

- * 21. **Authorize the City Engineer to Execute a Contract Change Order and Approve Budget Appropriation: 2005 ADA Sidewalk Ramps, Project No. 4226, (Staff Contact: Doug De Vries, 586-3313)**

Background: The City Council awarded this project to J.J.R. Construction, Inc. on August 2, 2005, and construction is underway. The completed project will provide sidewalk ramps compliant with the Americans with Disability Act (ADA) at Escuela Parkway between Washington Drive and Russell Lane.

Staff recommends that additional work to install four ramps at Dempsey Road /Selwyn Drive intersection be included in the project. This improvement is required to meet the Community Development Block Grant funding (CDBG) requirements for the Selwyn Park Improvements Project, Project 5078. Staff has negotiated a change order not to exceed \$18,400 with the Contractor for this additional work, and the approval of a contract change order is requested. An additional \$4,600 is required for design and administration.

A budget appropriation in the amount of \$23,000 from the Street Fund is required to approve this change order.

Recommendation:

1. Authorize the City Engineer to execute the Contract Change Order for J.J.R. Construction, Inc. in the amount of \$18,400.
2. Approve a budget appropriation for \$23,000.

*** 22. Approve Release of Retention: HMH Incorporated, Montague Expressway Widening, Project No. 4179 (Staff Contact: Greg Armendariz, 586-3317)**

Background: On July 7, 1998, City Council awarded a consultant contract to HMH Incorporated for the design of the Montague Expressway Widening from Great Mall Parkway to I-680. Phase I of this project, which improved the Capitol/Great Mall Parkway intersection from Centre Pointe to Union Pacific Railroad (UPRR), was completed in December 2004. Phase II includes the addition of a continuous fourth through lane eastbound from Great Mall Parkway to Piper Drive and is scheduled to be completed in 2006. The remaining work to be completed will be phased over the next several years as funding and necessary right-of-way become available.

In June 2005 Council authorized the release of retention held for services from August 2000 through December 2004 in the amount of \$56,211.62. Retention currently held for services performed and accepted, prior to August 2000 is \$12,789.39. Staff, verified this amount and reviewed the work completed during this period and recommends that this retention also be released. This would leave \$23,856.25 in retention held by the City, which is considered reasonable.

Recommendation: Authorize the City Manager to release retention, HMH Incorporated, in the amount of \$12,789.39.

*** 23. Authorize City Manager to Execute Agreement Amendment: SSA Landscape Architects, Inc., Sports Center Circulation Improvements, Project No. 8149 (Staff Contact: Greg Armendariz, 586-3317)**

Background: On September 21, 2005, the City Council awarded a consultant contract to SSA Landscape Architects, Inc (SSA) for design services of parking and vehicular access improvements at the Milpitas Sports Center. The design fee of \$30,500, for SSA's electrical subconsultant was not included in the original contract for this work.

Staff recommends that the agreement be amended to include this cost for the electrical design work. An agreement amendment has been prepared to reflect this amount and there are sufficient funds in the project budget to cover this additional expense.

Recommendation: Authorize the City Manager to execute the agreement amendment with SSA Landscape Architects, Inc., in the amount of \$30,500, subject to approval as to form by the City Attorney.

*** 24. Approve Permittee Dedication, Improvement and Encroachment Permit Agreements for Milpitas Town Center Located on Milpitas Blvd., Calaveras Blvd. and Hillview Dr., Project No. 3153 (Staff Contact: Mehdi Khaila 586-3328)**

Background: The renovation of Milpitas Town Center was approved by City Council at its meeting of May 10, 2004. The renovation includes demolition and redevelopment of a part of the shopping center for a 54,000 square foot supermarket (Safeway). The Permittee Dedication agreement, improvement agreement and the improvement plans to accommodate the supermarket have been prepared and reviewed by staff and the City Attorney's office. In addition the encroachment permit agreement necessary for the developer to maintain the public landscaping along the project frontage on Calaveras Blvd, Milpitas Blvd and Hillview Dr has also been

prepared (this maintenance request is special condition #5 of the project). Staff recommends approval of the Permittee Dedication, Improvement and Encroachment Permit Agreements.

Recommendation:

1. Approve Permittee Dedication, Improvement and the Encroachment Permit Agreements.
2. Authorize the City Manager to execute the Permittee Dedication, Improvement and the Encroachment Permit Agreements, subject to the approval of the City Attorney as to form.

*** 25. Award the Bid for a Boom Truck (Staff Contact: Chris Schroeder, 586-3161)**

Background: The fiscal year 05/06 budget for Public Works includes the purchase of an aerial boom truck for tree work to replace the current worn and obsolete equipment. This is a “piggyback” purchase on the Alameda County contract. Altec Industries, Inc. offered a substantial trade in of \$12,500.00 for the unit being replaced and agreed to hold the Alameda County contract price even though they have had a price increase of 10% as of July 22, 2005. Purchases of this type are permitted under Section I-2-5.06, Purchase through a Governmental Entity.

(Sufficient funding has been allocated in the FY 05/06 Equipment Replacement Fund for this purchase.)

Recommendation: Approve the purchase of the aerial boom truck from Altec Industries, Inc. for the not to exceed amount of \$110,800.00

***26. Award Bid for Mechanical Shade Support System (Staff Contact: Chris Schroeder, 586-3161)**

Background: On December 21st, 2004 City Council approved the purchase and installation of motorized shades for the first floor lobby of the City Hall Complex. This installation will reduce the sun glare for both the City employees and the public transacting business in the lobby area during the winter months. A connection to the existing structural glass support system is necessary for the installation of the motorized shades. The support system was designed by staff and Purchasing sent bids to four (4) vendors on Purchasing's vendor list. One (1) bid was received and is summarized below.

Ranis Construction & Electric Co., Inc.

Mechanical Shade
Support System

\$10,214.

In addition to the mechanical shade support system there is electrical work of approximately \$4,000. to wire and energize the system to be done at a later date.

Recommendation: Approve an appropriation from the Redevelopment Agency for \$14,000. to Building Improvement Project, CP-8135. Award the bid to Ranis Construction & Electric Company, Inc. and authorize the City Manager to enter a contract for the not to exceed amount of \$10,214. to furnish and install the mechanical shade support system, subject to approval by the City Attorney.

XXI. CLAIMS AND DEMANDS - None

XXII. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, OCTOBER 4, 2005, AT 7:00 P.M.**